

Notary Commissioning

Presentation to the
Joint Legislative Oversight Committee
on General Government
December 12, 2016

What is a Notary Public?

- A notary is a public officer of the State of North Carolina appointed to perform acknowledgments, oaths & affirmations and verifications



Essential Duties of Notaries

- Perform notarizations for persons *personally appearing* before them, and
- To *positively identify* persons seeking a notarization
- Identity is verified through:
 - Federal, state or tribal-issued identification or
 - Personal knowledge or
 - Oath or affirmation of one credible witness

Essential Duties of Notaries

- A *notary public* is a third-party witness to not only the signature of a document but also the fact that all parties who signed did so willingly and under their own power

Who Decides What Gets Notarized?

- Policy decision
- Generally by legislative action
- Often required for important transactions that affect major assets or life decisions
 - Examples:
 - Deeds
 - Wills
 - Powers of attorney, including medical

Who Has a Role in Notary Commissioning?

- Community colleges – education component
- NC Secretary of State – reviews applications for statutory compliance
- Local Registers of Deeds – swears in notaries/records their signature

What Are the Qualifications to Become a Notary?

- Be at least 18 years old or legally emancipated by the court
- Reside or have a regular place of work or business in this State
- Reside legally in the United States
- Speak, read, and write the English language
- Possess a high school diploma or equivalent

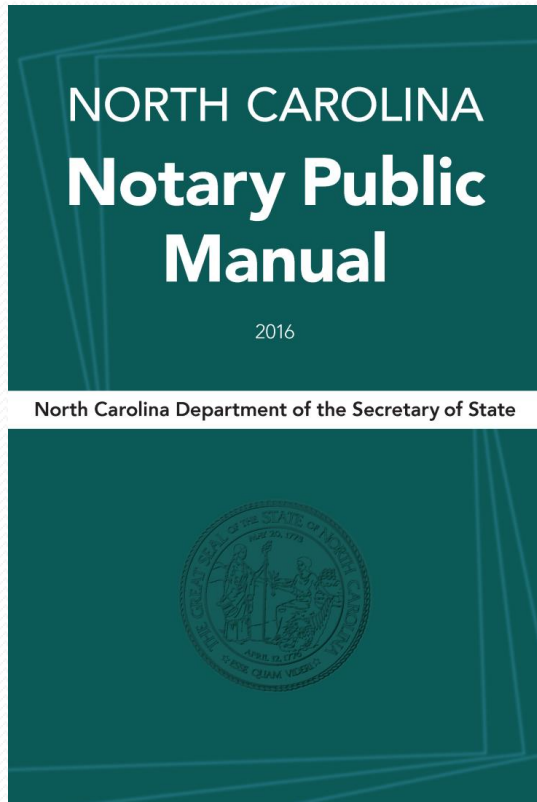
Disqualifications

- There are several reasons a commission may be denied including being:
 - Convicted of a felony in North Carolina or another state
 - Convicted of corruption or malpractice
 - Removed from any office by impeachment

Step One

- Register at a **local community college** for the Notary Public Course
 - 6 hour course of instruction
 - NCSOS “trains the trainer” – we certify all Notary instructors every 2 years
- Positive identification must be presented to instructor (first layer of positive identification)
- Course requirements include being able to read, write and speak English

Step Two



- Purchase the North Carolina Notary Public Manual from:
 - local bookstore
 - local community college
 - UNC School of Government bookstore at sog.unc.edu/pubs
- Also available as an eBook


Step Three

- Complete the Notary Public Course at local community college
- Notary applicants must pass the notary public exam with a score of at least 80% at the end of the course



Step Four

- Complete Notary Application containing no significant misstatement or omission of fact
- Obtain it from:
 - Instructor
 - SOS web site
 - Register of Deeds office
- Instructor signs it, verifying successful completion of the class


 State of North Carolina
 Department of the Secretary of State
 Elaine F. Marshall, Secretary of State

☐ Class in lieu of on-line re-commission exam
☐ Application for failure to take oath
☐ Notary Instructor

APPLICATION FOR REAPPOINTMENT AS A NORTH CAROLINA NOTARY PUBLIC (Revised 10/1/2006)

Read the instructions on the back of this form completely before filling out this application

1. Applicant's full Legal Name (Full name with no initials.) Gender: M ☐ F ☐ Reappointment Applicant's Place Notary Seal Here

2. Applicant's Commission Name (first,middle or maiden,Last)

(Commission Name - You may use one initial for the first or middle name but not for both. Name shall be a derivative of your full legal name. No nicknames. No single initials without a full first or middle name. This name is how you will be commissioned and shall appear on your seal.)

3. Name on Last Commission / Expiration Date / County

4. Mailing Address: City: State: Zip:

Residence Address if Different: City: State: Zip:

5. Business Phone: Home Phone: Fax: 6. Are you a citizen of the United States? Yes ☐ No ☐
If No, attach a copy of your Permanent Resident Card (Form I-551).

7. Social Security # 8. E-Mail Address 9. Birth Date 10. County of Residence

11. Occupation: OR Unemployed ☐ Retired ☐ Student ☐ Self-Employed ☐
 Business / Employer: County Where Employed:
 Business Address: (Address, City, State, Zip)

12. Have you completed a notary public education course? Yes ☐ No ☐ Number of Class Hours: _____
(name of educational organization or community college) (print or type name of instructor) (date completed)
 I hereby certify that the above named applicant has successfully completed the notary public education course and therefore qualifies for your consideration for a notary public commission. (signature of instructor) (date)

13. Were you commissioned on or before July 10, 1991? Yes ☐ No ☐ Initial appointment date (if known) / /
 If Yes, has your commission been continuous since July 10, 1991? Yes ☐ No ☐
 Have you ever had a disciplinary action from the Secretary of State's office against your commission? Yes ☐ No ☐

14. Are you a member of the North Carolina Bar? Yes ☐ No ☐ 15. Do you have a current notary guidebook? Yes ☐ No ☐
 If yes: Year Edition

16. Have you ever been convicted by any court of a felony, a misdemeanor, or charged with an offense for which trial is still pending? Yes ☐ No ☐
 If yes, see instructions on following page.

17. Have you ever had a professional license or notary commission denied, revoked, restricted or suspended? Have you ever had to resign a license or commission under unfavorable circumstances? If yes to either question, see instructions on following page. Yes ☐ No ☐

18. State of North Carolina
 County of _____

I, _____, solemnly swear or affirm under penalty of perjury that the information in this application is true, complete and correct; that I understand the official duties and responsibilities of a notary public in this state, as described in the statutes; that I can speak, read and write in the English language; and that I will perform to the best of my ability all notarial acts in accordance with the law.

Signature of Applicant: _____
(This signature must match the name in line 2 of this application and must be used in signing ALL notarized documents.)

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____

Signature of Notary Public: _____

Printed Name of Notary Public: _____

My Commission Expires _____, 20____

(Official Seal or Stamp)
 American LegalNet, Inc.
 www.Forms@usflow.com

Step Five

- Get notary application notarized (Second layer of positive identification)



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2. Applicant's Commission Name (first,middle or maiden,Last)				
<small>(Commission Name - You may use one initial for the first or middle name but not for both. Name shall be a derivative of your full legal name. No nicknames. No single initials without a full first or middle name. This name is how you will be commissioned and shall appear on your seal.)</small>				
3. Name on Last Commission / Expiration Date / County				
4. Mailing Address:		City:	State:	Zip:
Residence Address if Different:		City:	State:	Zip:
5. Business Phone:	Home Phone:	Fax:	6. Are you a citizen of the United States? Yes <input type="checkbox"/> No <input type="checkbox"/> <small>If No, attach a copy of your Permanent Resident Card (Form I-551).</small>	
7. Social Security #	8. E-Mail Address		9. Birth Date	10. County of Residence
11. Occupation: _____ OR Unemployed <input type="checkbox"/> Retired <input type="checkbox"/> Student <input type="checkbox"/> Self-Employed <input type="checkbox"/> Business / Employer: _____ County Where Employed: _____ Business Address: (Address, City, State, Zip)				
12. Have you completed a notary public education course? Yes <input type="checkbox"/> No <input type="checkbox"/> Number of Class Hours: _____ <small>(name of educational organization or community college) (print or type name of instructor) (date completed)</small> I hereby certify that the above named applicant has successfully completed the notary public education course and therefore qualifies for your consideration for a notary public commission. <small>(signature of instructor) (date)</small>				
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18. State of North Carolina County of _____				
I, _____, solemnly swear or affirm under penalty of perjury that the information in this application is true, complete and correct; that I understand the official duties and responsibilities of a notary public in this state, as described in the statutes; that I can speak, read and write in the English language; and that I will perform to the best of my ability all notarial acts in accordance with the law.				
Signature of Applicant: _____ <small>(This signature must match the name in line 2 of this application and must be used in signing ALL notarized documents.)</small>				
Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____				
Signature of Notary Public: _____				
Printed Name of Notary Public: _____				
My Commission Expires _____, 20____				

(Official Seal or Stamp)

Step Six

- Mail application to the Department of the Secretary of State along with a \$50 application fee within 3 months of class
- Non-U.S. Citizens must submit proof of legal residence along with submission of the notary application
 - Permanent residency cards
 - Work/student visas
 - Employment authorization document/cards



Step Seven

- Once an application is approved, notary applicant is sent a **Notary Oath Notification Letter** from the Secretary of State's Office that:
 - Tells the notary applicant that they have been approved
 - Tells the notary applicant to go to their register of deeds' office to be sworn as a notary within 45 days

Step Eight

- Go to Register of Deeds office to take the Oath of Office
- Register of Deeds will *positively identify* notary (third layer of positive identification)
- Notary receives notary certificate – now officially empowered as Notary Public



Step Nine

Now the new Notary is ready to purchase a North Carolina notary seal and begin notarizing documents!



Questions?

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